Registered No. M.—1175.

The Mysore Gazette.

Vol. 61.] PUBLISHED BY AUTHORITY. [No. 30.

BANGALORE, THURSDAY, JULY 29, 1926.

PART III.

Legislative Measures and Rules thereunder.

REGULATION IV OF 1926.

A REGULATION FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VII OF 1906.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE FIRST DAY OF JULY 1926.)

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906. It is hereby enacted as follows :—

Amendment of Section 10.

1. For the proviso to sub-section (1) of Section 10, the following shall be substituted :—

In specified proportions.

"(*a*) The number of elected councillors shall not be less than two-thirds in the case of City Municipal Councils and not less than one-half, in the case of other Municipal Councils, of the whole number of Councillors ; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

Provided that when a President appointed by Government under clauses (*a*) and (*b*) of sub-section (2) of Section 22 or when a President elected under clause (*d*) of the same sub-section is not a Councillor, the two-thirds and one-half of the whole number mentioned in this Section shall be exclusive of the President so appointed or elected and the President so appointed or elected shall be an additional Councillor."

2. For the words "for the like period, has been paying" in clause (c) of Section 12, the words "was for the preceding year, assessed to" shall be substituted.

Amendment of Section 13.

3. After sub-section (2) of Section 13, the following new sub-section shall be inserted :—

Enrolment in Municipal Election Roll necessary for elected Councillor.

"(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye-election held before his term of office as Councillor expires.

Representative of Association.

Provided that if any company, body corporate, or other association of the individuals is enrolled in the Municipal Election Roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a Councillor."

Amendment of Section 23.

4. For Section 23 of the Regulation, the following shall be substituted :

Every Municipal Council to have a President and if Government so directs, one or more Vice-Presidents.

"23. (1) For every Municipal Council there shall be a President, and if and whenever Government so directs, one or more than one Vice-President. Where there are more Vice-Presidents than one, the Government may direct which of them is the senior for the purpose of this Regulation.

(2) The President may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under Section 13, subject to such rules and conditions as may be prescribed by the Government in this behalf.

Effect of notification of *ex-officio* President.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government.

(4) The Vice-President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf.

Provided that the Government may, for special reasons and in the case of such Municipal Councils as it may be deemed fit, appoint the Vice-President by name.

(5) During the period, if any, intervening between the expiry of the term of a President or reconstitution of a Municipal Council and the election or nomination as the case may be of another President, the Deputy Commissioner in the case of City Municipalities and Municipalities at district headquarters, or the Amildar in the case of other Municipalities shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the President until such elected or nominated President enters on his duties.

Consequences of absence of President or Vice-President without leave.

(6) Except in the case of a salaried servant of a Government who is either an appointed or *ex-officio* President, every President who, for a period exceeding two months and every Vice-President who for a period exceeding one month shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a President or Vice-President appointed by Government,

(*b*) by the Municipal Council in the case of an elected President or Vice-President.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a President and there is no Vice-President for the Council or the office of the Vice-President is vacant, the vacancy shall be filled up by election by the Council from among the Councillors, whether the President was elected under clause (*c*) or (*d*) of sub-section (2), within such period and in such manner as may be prescribed by rules framed by Government in this behalf. If the Council fail to elect the President or if the appointment of the President was under clause (*a*) of sub section (2) the Government may fill up the vacancy. When leave is granted to a Vice-President or when he is acting for the President, the vacancy may be filled up by appointment or election, as the case may be, of some other Councillor thereto. Limit of grant of leave and arrangements during leave.

(8) The term of office of every President and of every Vice-President shall cease on the expiry of his term of office as Councillor and every President and Vice-President shall be removable from his office as such President or Vice-President by the Government for misconduct, in the discharge of his duties, or neglect of or incapacity to perform his duties after an opportunity is afforded for hearing him. Term of Office of President and Vice-President and their liability to be removed.

(9) In the event of the death, resignation or removal from office of a President other than an *ex-officio* President, or of a Vice-President, or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub-section (2) of Section 15, previous to the expiry of his term of office as President or Vice-President, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice-President during such vacancy. Vacancies in their office how to be filled up.

(10) The President or Vice-President of any Municipal Council who is not a Government Officer may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government. It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government, salary or allowances to any Government Officer who is appointed as President or Vice-President." Remuneration of President and Vice-President of Municipal Council.

5. (1) In clause (*a*) of sub-section (14) of Section 26, for the words "Civil Surgeon in a district when charged with any of the duties of a Health Officer therein," the words "Chief Sanitary Officer in a district" shall be substituted. Amendment of Section 26.

(2) In clause (*b*) of the same sub-section, the words "Chief Sanitary Officer" shall be substituted for the words "Civil Surgeon."

(3) For the explanation at the end of Section 26, the following shall be substituted :—

"*Explanation.*—The terms "Executive Engineer" and "Educational Inspector" in sub-sections (13) and (14) of this section include the principal Engineering and Educational Officer, respectively in or for the district."

6. In Section 29A of the Regulation, the words "a Committee called the Economic Committee to deal with questions relating to the development of Education, Agriculture and Industries and Commerce," shall be substituted for the words "three Committees to deal respectively with Education, Agriculture, Industries, and Commerce." Amendment of Section 29A

7. (1) In Section 31, for the words "one-third" after the words "shall not exceed" the word "one-half" shall be substituted. Amendment of Section 31.

(2) In the same Section, "29, 29A" shall be inserted for "29."

8. The following shall be substituted for proviso (*a*) to Section 46 of the Regulation, *viz* :— Amendment of Section 46.

"(*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in

clauses (*b*) (*iii*), (*c*), (*e*), (*f*), (*g*) and (*h*) in respect of any Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government."

Amendment of Section 48.

9. (1) After sub-clause (*iii*) of clause (*b*) under sub-section (1) of section 48, the following new sub-clauses shall be inserted :—

"(*iv*) as a dairy, hotel, restaurant, eating-house, coffee house, sweetmeat shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters;

(*v*) as a place for the preparation or manufacture of oil;

(*vi*) for parching grain or Bengal gram on a large scale;

(*vii*) or for any other purpose for which the taking out of a license is or may be prescribed."

(2) At the end of clause (*b*) of the same sub-section, the following proviso shall be inserted :—

"Provided that in respect of matters falling under sub-clause (*iv*), (*v*), (*vi*) and (*vii*), the power to frame bye-laws shall be exercised only by the City Municipal Councils and by such other Municipal Councils as may be empowered by the Government in this behalf.

(3) For clause (*c*) under the same sub-section, the following shall be substituted :—

For licensing the use of steam whistles, etc.

"Prescribing the conditions on, or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, workshop or workplace in which it is intended that steam, water, electrical or other mechanical power shall be employed; or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed."

For constructing houses for the poor.

(4) In sub-section (1) of the same section, the following shall be inserted after clause (n) :—

"(nn) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (bb) of Section 56."

(5) In clause (*p*) of the same sub-section, between the words "foundations" and "roofs," the word "floors" shall be inserted.

For regulating, construction or use of buildings for grain shops and stores and for regulating construction or use of buildings so that they may not be a source of nuisance in residential localities, etc.

(6) After clause (*p*) of the same sub-section, the following new clause shall be added :—

"(*pp*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating, in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufacturies, places of public resort or for any other purpose."

Amendment of Section 52.

10. In Section 52, after the first paragraph, the following additional proviso shall be inserted :—

"Provided that any funds granted to the Municipal Council by the Government for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf."

12. (1) After clause (x) of section 59 of the Regulation, the following new clause (xi) shall be inserted, the present clauses (xi) and (xii) being re-numbered as (xii) and (xiii), respectively :— Amendment of Section 59.

"(xi) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable half-yearly by the person or persons engaged in the business or profession at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned.

Provided that where a Municipal Council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (x) in respect of the business or profession carried on in the shop or place."

(2) In the proviso to the same section, the following clauses shall be substituted for clause (*a*), the present clauses (*aa*), (*b*) and (*c*) being re-numbered as (*d*), (*e*) and (*f*), respectively :— Amendment of proviso (a) to Section 59.

"(*a*) no tax imposed as aforesaid, other than a special sanitary cess or water-rate shall, without the express consent of Government, be leviable in respect of—

(*i*) any building or part of any building belonging to Government and used solely for public purposes, and not used or intended to be used for residential purposes or for purposes of profit;

(*ii*) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(*iii*) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) (*i*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(*ii*) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water rate, if any, which shall be recoverable from the occupants thereof;

(*c*) no toll shall be leviable for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody."

13. After sub-section (2) of Section 70, the following sub-sections shall be inserted :—

"(3) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub-section (2) by public auction or private contract, provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease. Forming of fees.

(4) When any fee has been leased under sub-section (3), any person employed by the lessee to collect such fee or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee, but refuses to pay it." Power of lessee to expel persons who refuse to pay fees.

14. After Section 81, the following section shall be inserted.— Additional new Section 81A. Leasing of Fees.

"81A. (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract; provided that the lessee shall give security for the due fulfilment of conditions of the lease.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of Section 79; provided that no article distrained may be sold except under the oders of the Municipal Council."

Amendment of Section 83.

15. (1) After sub-section (2) of Section 83 of the Regulation, the following shall be inserted as sub-section (2a):—

To whom the warrant should be addressed.

"(2a) Where the property is in the area under the control of the Municipal Council, the warrant shall be addressed to an officer of the Municipal Council. Where the property is in another Municipality, or in a place which is not a Municipality, the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be; provided that such President or Amildar may endorse such warrant to a subordinate officer."

(2) In sub-section (3) of the same section, for the words "any Municipal officer," the word, "any officer" shall be substituted.

Addition of a new Section 84A. Distraint and sale outside the Municipality.

16. After Section 84, the following section shall be inserted:—

"84A. Where the warrant is addressed outside the Municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such Officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued."

17. After Section 91, the following new Section 91A shall be inserted:—

Addition of a new Section 91A The regular line of public street.

"91A. (1) It shall be lawful for any City Municipal Council and such other Municipal Council as may be notified by Government in this behalf, to prescribe a line on either side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette*, and shall give public notice of it and they shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice; and

(*c*) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the regular line of the public street.

(3) (*a*) Except under the provisions of Section 113, no person shall construct, or reconstruct any portion of any building, within the regular line of the public street without the permission of the Municipal Council under Section 96.

(*b*) Where the Municipal Council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the Municipal Council and deemed part of the public street.

(*c*) Compensation, the amount, of which shall, in case of dispute be ascertained and determined in the manner provided in

Section 160 shall be paid by the Municipal Council to the owner of any land vesting in the Municipal Council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the Municipal Council under the said clause (*b*).

(4) Whoever contravenes the provisions of Sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the Municipal Council may—

(*a*) direct that the building be stopped, and (*b*) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary."

Addition of a new Section 93C. Buildings at corner of streets.

18. After Section 93B, the following new Section 93C shall be inserted:—

"93C. (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent, otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the Municipal Council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets."

Addition of a new Section 95A. Rat-proof building for warehouse for storing grain.

19. After Section 95 the following new section shall be added:—

"95A. The Municipal Council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government."

Amendment of Section 96. Power of Municipal Council to pass orders.

20. For Sub-section (2) of Section 96, the following shall be inserted:—

"(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice, and may either give permission to erect or alter or add to the building according to the plan and information furnished, or may impose in writing, such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, or prohibiting its use as a factory or, where the Municipal Council have been specially empowered by Government in this behalf, such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper."

Addition of a new Section 137A. Licensing of goats and pigs.

21. After Section 137, the following new section shall be inserted:—

"137 A. Within such limits as a City Municipal Council may direct, no person shall keep more than five pigs or more than ten goats without a license from the Municipal Council. The Municipal Council may charge an annual fee not exceeding Rs. 2 for such license and may impose such conditions in respect of such license as they may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs. 25."

Amendment of Section 151.

22. (1) After clause (n) in Section 151, the following additional clause shall be inserted:—

"(*nn*) for storing grain for trade purposes."

(2) For the word "smells" in clause (o) of the same section, the words "smells, fumes or dust" shall be substituted.

Addition of a new Section 151A. Factories in crowded localities.

23. After Section 151, the following new section shall be inserted :—

"151 A. (1) After the passing of this Regulation, in a City Municipality or, in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government, no person shall establish in any premises, any factory, workshop or workplace in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the Municipal Council.

(2) The Municipal Council, may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory, workshop or workplace as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees."

Addition of a new Section 151 B. Use of siren or whistle for summoning or dismissing workmen.

24. After Section 151A, the following new section shall be inserted :—

"151B. (1) In any City Municipality or, in any other Municipality to which by a notification in the *Mysore Gazette* this section is made applicable by the Government, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council.

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of, or after the withdrawal of, such license shall be punished with fine which may extend to fifty rupees."

Addition of a new Section 161A.

25. After Section 161 of the Regulation, the following new section shall be added as Section 161A :

"161A. A Municipal Council may—

Power to compound offences.

(*a*) compromise with any person who in the opinion of the Municipal Council has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or under any bye-law made thereunder;

(*c*) compound any offence against this Regulation or against any bye-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section."

Addition of a new Section 161B. Limitation for distraint, etc.

26. After Section 161A of the Regulation, the following new section shall be added :—

"161B. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum."

Addition of a new Section 173A. Deputy Commissioner's power of inspection of Offices of Town and Minor Municipal Councils.

27. After Section 173 of the Regulation, the following new section shall be inserted :—

"173A. The Deputy Commissioner shall have power—

(1) to inspect the office of any Town or Minor Municipal Council.

(2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass, if he is satisfied that the order or proceeding of the Council or its executive is contrary to law."

Amendment of Section 180A.

28. In Section 180A of the Regulation, the words "or other Municipal Councils specially exempted" shall be added after the words "City Municipal Councils."

29. In Schedule II, above the words and figures "on every four-wheeled vehicle with springs...Re. 0-8-0" the following words and figures shall be inserted, namely:—

	Rs.	a.	p.
"On every motor bus ...	... 2	0	0
On every motor car ...	... 1	0	0
On every motor cycle ...	... 0	8	0

SCHEDULE II (A.)

(SEE SECTION 59, CLAUSE xi.)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (for each shop per year)	In City Municipalities ...	50	40	30	20	10	5
	In other Municipalities ...	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit. (for each place per year)	In City Municipalities ...	50	40	30	20	10	5
	In other Municipalities ...	30	25	20	10	4	2

MIRZA M. ISMAIL,
Dewan.